IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO: 20999 of 2004**

Between:

Rajendra Kumar Agarwal, s/o Dhanna Lal,
R/o Rebbana Village and Mandal, Adilabad District.

**... PETITIONER**

AND

1 Government of Andhra Pradesh, Forest Department, through its Sub

Divisional Forest Officer and Authorised Officer, Luxettipet, Adilabad

District.
2 The Forest Range officer, Luxettipet, Adilabad District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ in the nature of writ of mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in seizing the Eicher Van bearing Regd.No.AP 1 T 3558 belonging to the petitioner as illegal, arbitrary and without jurisdiction by directing the respondents to forthwith release the said vehicle to the petitioner, pending confiscation proceedings U/s.44 (2-A) of A.P.Forest Act,1967 before the first respondent; award costs.

**Counsel for the Petitioner: MR.K.RAGHUVEER REDDY**

**Counsel for the Respondents: GP FOR FORESTS**

The Court, at the admission stage, made the following:

**ORDER:**

In view of the law declared by the Apex Court in ***State of Karnataka V. K. Krishnan*** *AND* ***Section Forestor V. Mansur Ali Khan*** , vehicle seized for committing forest offences shall not normally be returned to party till culmination of all proceedings in respect of said offence.

2. In view of the same, the vehicle, which is involved in a forest offence cannot be released to the petitioner since proceedings initiated under Section 44 (2) of the A.P. Forest Act, 1967 (for short 'the Act') are pending. No exceptional grounds have been made out for release of the vehicle except stating that a false case has been registered and the vehicle would be exposed to sun and light if it is kept idle and is likely to get damaged.

The writ petition is accordingly dismissed. No costs. However, respondents are hereby directed to complete the proceedings pending under Section 44 (22-A) of the Act within a period of three months from the date of petitioner submitting explanation to the show cause notice issued.

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A. **GOPAL REDDY, J**

November 17, 2004

**MRR**

To:

1 Sub Divisional Forest Officer and Authorised Officer, Luxettipet,Government of Andhra Pradesh, Forest Department, Adilabad District.

2 The Forest Range officer, Luxettipet, Adilabad District.

3 Two C.C. s to the G.P. for Forests, High Court Buildings, Hyderabad (OUT)

4 Two C.D. Copies.